No. 87-2118 (5)

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

ALEXANDER M. ROJAS, THERESA GUTIERREZ
RUBEN CARAVEO, TERRI PEREZ AND
WENCESLAO GUTIERREZ, JR.,

Appellants,

v.

VICTORIA INDEPENDENT SCHOOL DISTRICT;
VICTORIA INDEPENDENT SCHOOL DISTRICT BOARD
OF TRUSTEES; JAY LACK, DALE PIGOTT,
JAMES MURPHY, JOHN WILSON, STEVE BENNETT,
JOE CONTI, JR., Trustees; LARRY R. VAUGHN,
Superintendent, Victoria Independent
School District; and VAL HUVAR,
County Clerk, County of Victoria,

Appellees.

On Appeal From the United States District Court of the Southern District of Texas

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APPELLANTS' SUPPLEMENTAL BRIEF

ANTONIA HERNANDEZ
NORMA V. CANTU
JOSE GARZA
JUDITH A. SANDERS-CASTRO
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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1988

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v.

VICTORIA INDEPENDENT SCHOOL DISTRICT, ET AL.,

On Appeal From the United States District Court for The Southern District of Texas

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APPELLANTS' SUPPLEMENTAL BRIEF

This Supplemental Brief of Appellants responds to the Brief for the United States as Amicus Curiae.

STATEMENT

1. In the first election held under the new system, Theresa Gutierrez was elected as the first and only Mexican American female to serve on the Victoria I.S.D. Board, representing a majority Mexican American single-member district. (Stip. of Facts 2, Rojas v. Victoria I.S.D.,

No. V-87-16 (S.D. Tex.)).[1/]

2. Beginning five months after Gutierrez's election and culminating upon of the Department of Justice's February 27, 1986, correspondence to Victoria I.S.D., a sequence of events occurred in the school district which created a confrontation between the minority community and the school Board over issues where Gutierrez, as a member of the Board, asserted her lone voice on behalf of her constituents, the

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[1] The Victoria Independent School District Board of Trustees system of election was changed by resolution of the Board on November 15, 1984, from at-large, by numbered place for the seven Board members, to one providing for election of five from single-member districts and two from the school district at-large by plurality vote. (Original Complaint 6, Rojas v. Victoria I.S.D., No. V-87-16 (S.D. Tex.)). On February 14, 1950 the school district received preclearance allowing implementation of the new election system in April 1985 elections. (Id.) Subsequent references to the record in this case will omit the case name and number after the initial citation to the pleading. Victoria Independent School District will be referred to as Victoria I.S.D.

voice on behalf of her constituents, the minority community.[2]

3. On March 21, 1986, the United

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[2] In October of 1985, the Department of Education issued Victoria I.S.D. an ultimatum concerning the need for correction of the racial imbalance of five elementary schools in the district. (Tr. R. Pls.' Ex. 4, p. 4, Rojas v. Victoria I.S.D., No. V-87-16 (S.D. Tex.)). In response to that ultimatum, the school district announced the closing of at least three of the racially imbalanced neighborhood elementary schools and called for a bond election to fund the construction of facilities to accommodate population changes at other schools. (Tr. R. Pls.' Ex. 4, p. 4-5). The bond election was not submitted for preclearance until after the election was held. (Id.).

During the subsequent seven months, minority community members organized and protested against the closing of neighborhood schools at school Board meetings and the preclearance of the bond election before the Department of Justice. (Tr. R., Pls.' Ex. 4, p. 5-7). Theresa Gutierrez was intimately involved in the minority community's activity. (Id.) Because of the controversy over the bond election, preclearance of the election was delayed until March 1986 which resulted in the delay of the issuance of the bonds and receipt of money for construction until after April 1986. (Id.) On May 15, 1986, the Board finally voted, 6-1, to close only one of the minority neighborhood schools, William Offer Elementary, the school Theresa Gutierrez's children attended. (Id.)

States Attorney General, by correspondence, notified Victoria I.S.D. that the district's 1985 resolution adopting numbered posts for election of its two at-large school Board trustee seats was subject to Sec. 5 requirements before implementation. (Stip. of Fact, Ex. 10, United States v. Victoria I.S.D., No. V-86-17 (S.D. Tex.)). Subsequent to the school district's refusal to submit the change, on April 4, 1986, the United States filed a Sec. 5 enforcement action against Victoria I.S.D. (Orig. Complaint, United States v. Victoria I.S.D., No. V-86-17 (S.D. Tex.)).[3/]

4. On October 16, 1986, Board

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[3] A group of Mexican American voters including associates of Theresa Gutierrez were allowed participation as amici in the litigation. (Order, United States v. Victoria I.S.D., No. V-86-17 (July 2, 1986)). On November 14, 1986, the United States prevailed in the lawsuit against the school district. See, United States v. Victoria I.S.D., No. V-86-17 (S.D. Tex. Nov. 14, 1986).

President Wilson circulated a memo which recommended changes in policy BE (LOCAL) to other Board members. (Tr. R. Ex. 1, Vaughn Dep. Ex. 11).[4] On October 21, 1986, the day of the first reading of Policy BE (LOCAL) in a Board meeting, Wilson circulated correspondence to the Board specifically addressing the controversy on the Board as a problem. (Tr. R. Ex. 2, Wilson Dep. Ex. 3).[5]

5. On November 20, 1986, six days after the decision against Victoria I.S.D. in the litigation, the Board passed Policy

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[4] On the same day, an interview appeared in the local Victoria newspaper with Wilson in which he stated that animosity and the level of frustration within the Board had increased over the eighteen months since the election of the Board under the new system. (Tr. R. Ex. 2, Wilson Dep. Ex. 1.)

[5] The major source of the growing controversy and animosity in the school district and among Board members had been the proposed closing of minority schools. (Tr. R. Ex. 2, Wilson Dep. p. 33-34).

BE (LOCAL) with Gutierrez casting the sole dissenting vote. The adopted policy had been discussed at length in a prior Board meeting, November 12, 1986, in the context of a citizens' hearing. (Tr. R. Ex. 2, Wilson Dep. Ex. 3, Rojas v. Victoria I.S.D., No. V-87-16). In that meeting, Board President Johnny Wilson stated that citizens speaking before the Board were not representatives of the people in the city and that the Board would like to hear from other citizens, not the three who had addressed the Board that evening. (Id.) [6]/

6. The Superintendent of Victoria I.S.D. subsequently sent two memos to Gutierrez, dated February 24 and 27, 1987, concerning Gutierrez's objection to and sole negative vote on the Transfer Policy and the

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[6] The three persons were identified as minority members of the community and close associates of Theresa Gutierrez. (Id., Tr. R., Ex. 4, p. 7).

Public Information Policy presented at prior board meetings. (Tr. R. Ex. 1, Vaughn, Dep., Ex. 6 and 7). The Superintendent, contrary to standard practice, asked Gutierrez to contact him or submit written objections to him concerning agenda items prior to the meetings. (Id.) Previously, the Superintendent had never asked any other Board member to submit disagreements with agenda items to him prior to Board meetings. (Tr. R. Ex. 1, pp. 64-65). As expressed, he felt it necessary to treat Ms. Gutierrez differently because the Board was having difficulty communicating with her. (Tr. R. Ex. 1, p. 66).

7. On February 27, 1987, the United States Attorney General notified the school district that its agenda preparation policy was subject to Sec. 5 requirements and should either be submitted for administrative preclearance review or a

declaratory judgment sought from the District Court for the District of Columbia. (J.S. App. 14a-15a).

8. The lawsuit that is the subject of this appeal was filed on March 27, 1987.

DISCUSSION

The United States, in its Amicus brief, explicitly disagrees with the district court's suggestion that Sec. 5 can never reach an "'[o]rdinary, routine legislative modification of the duties or authority of elected officials,'" stating that "such changes may in fact negate the effectiveness of a vote." (A.C. 10). The United States, however, also supported the district court's determination that Sec. 5 did not cover the change in issue because the November 20, 1986, agenda preparation policy "does not shift any decision making power." (Id.)

The logic exercised by the United States is a dismaying effort by the

enforcers of the Voting Rights Act to circumvent the real issues in this litigation. The impact of the agenda preparation policy is on the ability of a minority official, once elected, to adequately represent the interests of her constituents in the governing process. The proper question is not whether the representative will be allowed to vote in the decision-making process, but whether, as a member of the body, she will be allowed to bring to the public forum for discussion and debate, issues of particularized interest to her constituents, despite the level of popularity or unpopularity with the dominant Anglo majority members of the Board. It is a question that goes beyond the access provided voters by the electoral structure to the issue of civic inclusion and the effectiveness allowed representatives of the minority community who are now being elected

to office because of the 1982 amendment of Sec. 2 of the Voting Rights Act, 42 U.S.C. Sec. 1973.

> "The Voting Rights Act was designed to enable minority citizens to gain access to the political process and to gain the influence that participation brings."

U.S. Comm'n. Civil Rights, The Voting Rights Act: Ten Years After, at 8 (1975). Here, the intent and potential effect of the agenda policy is the minimization of the influence recognized above. By changing the rules and powers of officials after election of a minority representative, the exclusion of minority voters from effective political participation within the governing body is continued.

The United States bases its position that the agenda preparation policy had no effect on the power of the individual board members because the board conducts meetings under Robert's Rules of Order, Newly Revised

(1981), prohibiting the Board from discussing items on the agenda unless the item is seconded. (A.C. 11) Therefore, the agenda preparation policy, as the district court concluded, only advances the time at which a second is required to bring a matter before the Board. (Id.) Further, the United States asserts that under the Texas Open Meetings Act, a Board member may seek to have an item placed on the agenda during a board meeting. (Id.) Thus, because there may be the public recordation of the effort and its rejection, the effectiveness of the Board member's vote is not undermined by the agenda policy. (A.C. 11-12). The United States also attempts to diminish the importance of the circumstances surrounding the enactment of policy BE (LOCAL) and the letter from the Department of Justice ("Department") to Victoria I.S.D. (A.C. 4,

n. 6) [7]

In reaching its determination that the November 20, 1986, agenda preparation policy is not a change affecting voting under Sec. 5 of the Voting Rights Act, the District Court relied primarily on a finding that school board meetings are conducted under a standard parliamentary procedure. (J.S. App. 4a-5a). The position of the United States is based on the identical erroneous premise (A.C. 2). Both the decision of the District Court and the position of the United States are contrary to the record in this case.

While the challenged agenda preparation policy provides that "the Board shall observe parliamentary procedures as found in Robert's Rules of Order, Newly Revised," it

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[7] The United States asserts the inquiry was prompted only by the proximity of the change to the culmination of its Section 5 enforcement action. (A.C. 6, n. 9).

nonetheless, also provides "except as otherwise provided in Board procedural rules or by law." (App. p. 4a).[8] Through BE (LOCAL) and BED (LOCAL), the Board effected the exception of the open forum which allows any person to speak on any agenda item. (App. p. 3a; R.B. App. p. 1a-3a). Open forum is scheduled immediately after the Board meeting is called to order and prior to presentation of any item to the Board, whether in the form of a motion or a motion and a second. (App. p. 3a). Furthermore, policy BED (LOCAL) does not prohibit Board members from discussing or debating agenda items during the open forum. (R.B. App. pp. 1a-3a). It only prohibits their discussion or debate of items not on the agenda.

The business in Victoria I.S.D. Board

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[8] The reference to conduct of Board meetings under Robert's Rules of Order was not a part of the policy BE (LOCAL) prior to the challenged policy adopted on November 20, 1986. (Stip. of Facts. Exs. 4 and 8).

meetings, by custom, practice and usage, has been consistently conducted under a structure substantially less formal than standard parliamentary procedure. In meetings, both before and after the passage of BE (LOCAL) in November 1986, agenda items have been discussed prior to the presentation of a motion relating to an agenda item or prior to the second of such a motion. (Tr.R.Pls.' Ex. 4). Amended motions are voted on without any vote on the one or more amendments to the motion. (Id.) Action on items may be determined by consensus without a formal motion ever being presented concerning the action. (Id.) Moreover, the record very clearly establishes that Victoria I.S.D. does not operate under a standard parliamentary procedure. Under the actual operating procedures of Victoria I.S.D. Board meetings, an item on the agenda can be

discussed, deliberated and/or decided by the public or by the Board without the requisite motion and second under Robert's Rules of Order for drawing a matter before the Board.[9]

United States' assertions that somehow the recordation of the exercise of the ability to request an item be placed on the agenda and its subsequent rejection by the

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[9] Victoria I.S.D. does, however, operate under the strictures of the Texas Open Meetings Act ("Act"). (App. p. 1a-12a) (Stip. of Fact 13). The Act's restrictions on the conduct of business by the Board are set forth in policies BED (LOCAL) and BE (LOCAL). (R.B. App. p. 1a-3a; App. p. 1a-6a). Under school district policy, no item can be deliberated, discussed or decided unless it is on the agenda. (R.B. App. 3a). The very limited ability of a Board member to address an item not on the agenda by requesting it be placed on the agenda of a future meeting is obviously not contemplated by state law as in the same realm of the exercise of power and authority of a representative as discussion and deliberation of agenda items, because there are no controls associated with that potential action for the public's protection. The Board's policy which provides for restrictions is, therefore, also contrary to state law.

Board equates with the effectiveness of having an item reflecting one's constituents' concern on the agenda for discussion by the public and the Board in a public forum are basely dishonest. The United State's proposition appears to be that federal law tolerates the exclusion of minority voters in the governing process so long as there is a public recording of the rejection of hearing their interests by the majority representatives. Once an electoral structure is in place in a jurisdiction that allows for the election of a majority representative to a governing body, it is of no concern to the Voting Rights Act if that representative is suddenly hampered in bringing matters important to his voters before the body.

The United States explained that the February 27, 1987, letter to Victoria I.S.D. was only a request for additional

information to "clarify the question of coverage under the Voting Rights Act." (A.C. 4). The letter in fact unequivocally instructs the school district to comply with Sec. 5 requirements.[10]/

There is no question that the Department's letter to Victoria I.S.D. regarding the agenda preparation policy was compelled by more than the culmination of its Sec. 5 enforcement action against the district. The Department had intimate knowledge of all the same circumstances relied on by Appellants in their argument that the policy was adopted for the purpose of restricting Gutierrez's ability to represent her constituents.[11]/ Virtually

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[10] Such letters from the Department are, in fact, very unusual. In the case of Victoria I.S.D., the Department had sent two letters in a one year period on different changes.

[11] The Department had reviewed the school district's after the fact submission of the October 1985 bond election. It

all the school district's dirty laundry was before the Department when it determined that the original change in the agenda preparation policy was subject to Sec. 5 requirements.[12]/

The circumstances surrounding the adoption of the agenda preparation policy highlight its potential for discrimination. Doughtery County Board of Education v. White, 439 U.S. 45, 99 S.Ct. 368, 58 L.Ed. 2d 269 (1978). The change affecting voting effected by the policy may be subtle, but it is by no means innocuous or harmless, as the

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received information and calls from the minority community opposing the bond election, the district's unsatisfactory desegregation plan and the closing of minority schools. It had sued the school district after Victoria I.S.D. refused in 1986 to comply with Sec. 5 regarding the use of numbered places for at-large election of trustees.

12 The adopted policy provides an even clearer change in power and authority by granting the Board president discretionary control, a power not previously in effect.

United States contends. The discriminatory potential of the policy coupled with its impact on the political process, allowing discretionary exclusion from governmental deliberative processes based upon a single board member's enhanced power, brings the policy within the scope of Sec. 5. For the United States to contend otherwise is to ignore the intentions of Congress in the enactment of Sec. 5 as the means to promptly discover and enjoin new subterfuges to voting rights in covered jurisdictions. Allen v. State Board of Elections, 393 U.S. 544, 89 S.Ct. 817, 22 L.Ed. 2d (1969).[13]/

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[13] The United States recognizes a potential Fourteenth Amendment violation in the policy, but maintains there is no Sec. 5 violation. Based upon the history of constitutional litigation in Texas, the Department's default on its responsibilities under Sec. 5 in refusing to recognize these new subterfuges will open a flood gate of litigation in federal courts. One of the purposes of Sec. 5 is to protect the federal judiciary from that immense imposition.

CONCLUSION

Probable jurisdiction in this case should be noted.

Respectfully submitted,

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APPENDIX

VICTORIA ISD 235902

BOARD MEETINGS BE (LOCAL)

PLACE OF MEETING	Unless otherwise provided, Board meetings shall be held at the Education Center.
TIME OF MEETING	Regular meetings of the Board shall be held on the third Thursday of each month at 4:30 p.m., unless otherwise provided by the Board.
SPECIAL OR EMERGENCY MEETINGS	The time for special and emergency meetings of the Board shall be as stipulated in the notice for the meeting.
AGENDA PREPARATION	The agenda for meetings of the Board normally will closed at 5:00 p.m. on the seventh day preceding regular meetings and at noon on the third day preceding special meetings. Such requests shall be in writing and be sufficiently specific to inform other Board members and the public of the subject(s) to be discussed.

The agenda shall be prepared under the direction of the Superintendent with the advice and consent of the President of the Board. Requests for agenda items may be made by any Board member. Depending on the nature of the items submitted, the President may require the approval of two Board members to secure placement of that item on the agenda.

The Superintendent must be notified of all agenda items.

NOTICE TO MEMBERS

Members of the Board shall be given notice of regular and special meetings at least seventy-two hours prior to the scheduled time of the meeting and at least two hours prior to the time of an emergency meeting.

EXECUTIVE SESSION

Notice of all meetings shall provide for the possibility of a closed or executive session during an open meeting, as provided by law. (See BEC)

ORDER OF BUSINESS

The order of business for regular Board meetings

shall be as follows. The order of business may be changed by consent of a simple majority of all members present.

1. Roll call, establishment of quorum, call to order

2. Executive session(s), if any

3. Open forum

4. Reconvene in open meeting

5. Approval of Minutes of previous meeting(s)

6. Action items

7. Reports, discussion items

8. Adjournment

The Board may enter executive session at any time during the meeting, as permitted under the Open Meetings Act. (See BEC)

CALLED SPECIAL MEETINGS

The President of the Board shall call a special meeting at the President's discretion or on request by two or more members of

the Board.

CALLING EMERGENCY MEETINGS

The president shall call an emergency meeting when the President or two or more members of the Board determine that an emergency or urgent public necessity warrants the meeting.

Emergency meetings shall be called only for bonafide emergencies which cannot reasonably be postponed until a special or regular meeting.

RULES OF ORDER

The Board shall observe the parliamentary procedures as found in Robert's Rules of Order, Newly Revised, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

VOTING

Voting shall be by voice vote or show of hands, as directed by the President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request. See BDAB (Local)

for the Board President's voting rights.

MINUTES

Board action shall be carefully recorded by the secretary of clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board.

The official minutes of the Board shall be retained on file in the office of the Superintendent and shall be available for examination during regular office hours.

DISCUSSIONS AND LIMITATIONS

Discussions shall be addressed to the President of the Board and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.

The Board President shall also halt discussion if

the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the President shall not interfere with debates so long as members wish to address themselves to an item under consideration.

ADOPTED: 11/20/86

Texas Open Meetings Act

Art. 6252-17. Prohibition on governmental bodies from holding meetings which are closed to the public

Definitions

Section 1. As used in the Act:

(a) "Meeting" means any deliberation between a quorum of members of a governmental body, or between a quorum of members of a governmental body and any other person, at which any public business or public policy over which the governmental body has supervision or control is discussed or considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body or for attendance of regional, state, or national conventions or workshops as long as no formal action is taken and any discussion of public business is incidental to the functions, conventions, or workshops.

(b) "Deliberation" means a verbal exchange during a meeting between a quorum of members of a governmental body, or between a quorum of members of a governmental body and any other person, concerning any issue within the jurisdiction of the governmental body or any public business.

(c) "Governmental body" means any board, commission, department, committee, or agency within the executive or legislative department of the state, which is under the direction of one or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore or hereafter created by law.

(d) "Quorum" unless otherwise defined by constitution, charter, rule or law applicable to such governing body, means a majority of the governing body.

Sec. 1 amended by Acts 1973, 63rd Leg., p. 45, ch. 31, Sec. 1, eff. Jan. 1, 1974; Sec. 1(a), (b) amended by Acts 1987, 70th Leg., ch. 549, Sec. 1, eff. Aug. 31, 1987.

Application of act

Sec. 2. (a) Except as otherwise provided in this Act or specifically permitted in the Constitution, every regular, special, or called meeting or session of every governmental body shall be open to the public; and no closed or executive meeting or session of any governmental body for any of the purposes for which closed or executive meetings or sessions are hereinafter authorized shall be held unless a quorum of the governmental body has first

been convened in open meeting or session for which notice has been given as hereinafter provided and during which open meeting or session the presiding officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections under this Act authorizing the holding of such closed or executive session.

Text of subsec. (r) as added by Acts 1987, 70th Leg., ch. 549, Sec. 2

(r) Nothing in this Act shall be construed to require a quorum of the members of a governmental body to confer with an employee or employees of the governmental body in an open meeting where such conference is for the sole purpose of receiving information from the employee or employees or to ask questions of the employee or employees; provided, however, that no discussion of public business or agency policy that affects public business shall take place between the members of the governmental body during the conference.

Notice of meetings

Sec. 3A. (a) Written notice of the date, hour, place, and subject of each meeting held by a governmental body shall be given before the meeting as prescribed by this section. The requirement for notice prescribed by this section does not apply to matters about which specific factual information or a recitation of existing policy is furnished in response to an inquiry made at such meeting, whether such inquiry is made by a member of the general

public or by a member of the governmental body. Any deliberation, discussion, or decision with respect to the subject about which inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting of such governmental body for which notice has been provided in compliance with this Act.

(e) A school district shall have a notice posted on a bulletin board located at a place convenient to the public in its central administrative office and shall give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the school district in providing special notice.

(h) Notice of a meeting must be posted in a place readily accessible to the general public at all times for at least 72 hours preceding the scheduled time of the meeting, except that notice of a meeting of a state board, commission, department, or officer having statewide jurisdiction, other than the Industrial Accident Board or the governing board of an institution of higher education, must be posted by the Secretary of State for at least seven days preceding the day of the meeting. In case of emergency or urgent public necessity, which shall be clearly identified in the notice, it shall be sufficient if the notice is posted two hours before the meeting is convened. Any public official or person who is designated or authorized to post notices of meetings by the governmental body in accordance with Section 3A of this Act shall post the notice taking at face value the reason for the emergency as stated by the

governmental body. Cases of emergency and urgent public necessity are limited to imminent threats to public health and safety or reasonably unforeseeable situations requiring immediate action by the governmental body. Provided further, that where a meeting has been called with notice thereof posted in accordance with this subsection, additional subjects may be added to the agenda for such meeting by posting a supplemental notice, in which the emergency or urgent public necessity requiring consideration of such additional subjects is expressed. In the event of an emergency meeting, or in the event any subject is added to the agenda in a supplemental notice posted for a meeting other than an emergency meeting, it shall be sufficient if the notice or supplemental notice is posted two hours before the meeting is convened, and the presiding officer or the member calling such emergency meeting or posting supplemental notice to the agenda for any other meeting shall, if request therefor containing all pertinent information has previously been filed at the headquarters of the governmental body, give notice by telephone or telegraph to any news media requesting such notice and consenting to pay and all expenses incurred by the governmental body in providing such special notice. The notice provisions for legislative committee meetings shall be as provided by the rules of the house and senate.

Sec. 3A amended by Acts 1971, 62nd Leg., p. 1789, ch. 527, Sec. 1, eff. June 1, 1971; Acts 1973, 63rd Leg., p. 47, ch. 31, Sec. 3, eff. Jan. 1, 1974; Sec. 3A, subsec. (h)

amended by Acts 1975, 64th Leg., p. 968, ch. 367, Sec. 1, eff. Sept. 1, 1975; Sec. 3A, subsec. (a) amended by Acts 1977, 65th Leg., p. 1674, ch. 659, Sec. 1, eff. Aug. 29, 1977; Sec. 3A, subsec. (e) amended by Acts 1981, 67th Leg., p. 2231, ch. 529, Sec. 1, eff. Sept. 1, 1981; Sec. 3A(a), (h) amended by Acts 1987, 70th Leg., ch. 549, Sec. 5, eff. Aug. 31, 1987.